

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
SHANE RAY CARVER)	BANKRUPTCY NO. 05-62721 JPK
)	Chapter 13
Debtor.)	

ORDER

This case came before the Court for hearing on October 24, 2005 on the objection to confirmation of the debtor's chapter 13 plan filed by Cedar Lake Wastewater Utility. The creditor appears by counsel Timothy Kuiper; the Chapter 13 Trustee appears by Attorney Julia M. Hoham; the debtor fails to appear either in person or by counsel.

The Court's order of August 2, 2005 provided that unless the debtor filed an objection to the claim of Town of Cedar Lake Wastewater Utility within 10 days of the date of entry of that order, the creditor's objection was deemed sustained and the debtor was then required to file an amended plan or agreed order providing for the creditor's claim as secured within 30 days. There has been no compliance with the Court's August 2, 2005 order, and by its order dated October 3, 2005, the Court scheduled a hearing for October 24, 2005 at 2:15 p.m. with respect to conversion/dismissal of the debtor's case, and with respect to the objection to confirmation of the debtor's plan by the Town of Cedar Lake Wastewater Utility.

At the October 24, 2005 hearing the Court announced from the bench that the case would be dismissed for non-compliance with the August 2, 2005 and October 3, 2005 orders, in light of the failure of either the debtor or the debtor's counsel to attend the hearing held on October 24, 2005. However, upon mature reflection, the Court deems that remedy to unduly punish the debtor.

IT IS ORDERED that the objection of the Town of Cedar Lake Wastewater Utility to confirmation of the debtor's chapter 13 plan is sustained.

IT IS FURTHER ORDERED that claim number 2 of the Town of Cedar Lake Wastewater Utility is allowed as filed for all purposes in this chapter 13 case.

IT IS FURTHER ORDERED that the debtor shall file an amended plan within 20 days of the date of entry of this order which provides for the claim of the Town of Cedar Lake Wastewater Utility in accordance with applicable provisions of the Bankruptcy Code.

IT IS FURTHER ORDERED that a hearing will be held on will be held on **December 12, 2005 at 1:00 P.M.** at which the debtor's counsel Kevin Marshall shall appear before the Court to show cause, if any he has, why sanctions should not be imposed upon him for his failure to attend the hearing held on October 24, 2005.

Dated at Hammond, Indiana on November 4, 2005.

/s/ J. Philip Klingeberger

J. Philip Klingeberger

United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor
Trustee, U.S. Trustee
Attorney for Creditor